IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

CRP.No. 1324 of 2004

AGAINST THE ORDER DATED 21/08/2004 IN IN E.P.1251/2002 IN OS.1034/2001 of PRL.M.C.,IRINJALAKUDA

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REVN. PETITIONER: JUDGMENT DEBTOR

JACOB S/O. PAZHADATH PARAMBIL
K.LONAPPAN, KARUVANNUR DESOM,
PORATHUSSERY VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.T.N.MANOJ
SRI.DINESH R.SHENOY

RESPONDENTS: DECREE HOLDER

K.R.DAVID KATTILPEEDIKA HOUSE,
PORATHUSSERY VILLAGE DESOM, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

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C.R.P.NO.1324 OF 2004

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Dated this the 2nd day of February 2007

ORDER

This revision is preferred against the order passed under E.P.No.1251/02. The decree is one for realisation of the amount and the Execution Petition is filed for arrest and detention of the judgment debtor. The executing court found in favour of the decree holder and ordered arrest warrant. It is against that decision the present CRP is filed.

Heard counsel for both sides. As per the interim order passed by this court an amount of Rs.10,000/- has already been paid. The learned counsel for the judgment debtor submits that the financial position of his client is very bad and he has got earnest desire to pay the amount provided breathing time is given for payment by way of instalments. Since he has got the desire, it is only just and equitable to grant some time to wipe off the liability. Therefore, CRP is disposed of as follows:

(1) The revision petitioner is directed to pay a sum of Rs.10,000/- within a period of six weeks from today to the decree holder.

(2) The balance amount be paid in six monthly equal instalments.

(3) If there is a breach of two consecutive payments, then the facility granted to him will be cancelled and the decree holder can proceed with the execution of the decree in accordance with law.

M.N.KRISHNAN, JUDGE

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